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**U.S. District Court**  
**DISTRICT OF ARIZONA (Phoenix Division)**  
**CIVIL DOCKET FOR CASE #: 2:09-cv-00816-FJM**  
**Internal Use Only**

Comtech EF Data v. Paradise Datacom, LLC      Date Filed: 04/17/2009  
Assigned to: Judge Frederick J Martone      Jury Demand: Plaintiff  
Cause: 28:1338 Patent Infringement      Nature of Suit: 830 Patent  
    Jurisdiction: Federal Question

**Plaintiff**

**Comtech EF Data**  
*a Delaware corporation*  
*also known as*  
Comtech EF Data  
Corporation

7-1-07-254,188

represented by **Michelle Gail Breit**  
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V.

**Defendant****Paradise Datacom, LLC***a Pennsylvania limited  
liability company*

Date Filed	#	Docket Text
04/17/2009	• 1	COMPLAINT. Filing fee received: \$ 350.00, receipt number 09700000000002748682, filed by Comtech EF Data. (Attachments: # 1 Exhibit "A", # 2 Civil Cover Sheet)(Breit, Michelle) (Entered: 04/17/2009)
04/17/2009	•	This case has been assigned to the Honorable Frederick J. Martone. All future pleadings or documents should bear the correct case number: CV 09-00816-PHX-FJM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (Entered by REK) (Entered: 04/20/2009)
04/17/2009	• 2	Notice re Magistrate Consent Form (REK) (Entered: 04/20/2009)
04/17/2009	• 3	NOTICE TO PARTY OF DEFICIENCY RE CORPORATE DISCLOSURE STATEMENT: Pursuant to FRCiv 7.1 and LRCiv 7.1.1 the attached Corporate Disclosure Statement form must be filed by all nongovernmental corporate parties with their first appearance. A supplemental statement must be filed upon any change in the information. In addition, if not already filed, the Corporate Disclosure Statement should be filed within 15 days. Corporate Disclosure Statement Deadline set for 5/4/2009 as to Comtech EF Data. (REK) (Entered: 04/20/2009)

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7 Attorneys for Plaintiff  
Comtech EF Data Corporation

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF ARIZONA**

10 **DIVISION ONE**

11 COMTECH EF DATA, a Delaware corporation,

12 Plaintiff,

13 **COMPLAINT AND JURY DEMAND**

14 v.  
15 PARADISE DATACOM, LLC, a Pennsylvania  
limited liability company,

16 Defendant.

17 Plaintiff Comtech EF Data Corporation ("Comtech"), brings this complaint for patent  
18 infringement against defendant Paradise Datacom, LLC ("Paradise"), and alleges as follows:  
19

20 **PARTIES**

21 1. Plaintiff Comtech is a corporation incorporated under the laws of the State of  
22 Delaware, having its principal place of business at 2114 West 7<sup>th</sup> Street, Tempe, Arizona 85281.  
23 Comtech, a subsidiary of Comtech Telecommunications Corporation, develops innovative and  
24 market-leading satellite communications products and equipment deployed in commercial and  
25 government applications around the world. Comtech's products include modems, performance  
26 enhancement proxies, bandwidth and capacity management, software and systems,

encapsulators, receivers, converters, transceivers, amplifiers, block up converters and terminals

2        2.        Upon information and belief, Defendant Paradise is a Pennsylvania limited  
3 liability company authorized to do and doing business in Maricopa County, Arizona. Paradise is  
4 a direct competitor to Comtech and also designs and manufactures satellite modems,  
5 transceivers, block up-converters, solid stat power amplifiers, low noise amplifiers and  
6 associated equipment for the terrestrial segment of the satellite communications market.

## JURISDICTION AND VENUE

8       3.     This action is for patent infringement under 35 U.S.C. § 100 et seq. This Court  
9 has subject matter jurisdiction under 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patent  
10 Infringement).

11 4. Venue in this district is proper under 28 U.S. C. §§ 1391(b).

## FACTS

13 5. U.S. Patent No. 7,254,188 ("the '188 patent"), entitled "Method and System for  
14 Modulating and Detecting High Datarate Symbol Communications," was duly and legally issued  
15 on August 7, 2007 and assigned to plaintiff Comtech. A true and correct copy of the '188 patent  
16 is attached hereto as Exhibit A.

17 6. Comtech is the owner of the '188 patent with the right to collect damages for all  
18 relevant times, and has the right to prevent others from making, having made, using, offering for  
19 sale or selling products or services covered by such patent, as well as the right to enforce the  
20 '188 patent with respect to defendant Paradise.

**COUNT I.**  
**(Patent Infringement)**

23 7. Comtech incorporates by reference paragraphs 1-6 above, as if fully set forth  
herein

25        8.      Defendant Paradise has infringed and is continuing to infringe, directly  
26      contributorily and/or by inducement, one or more claims of the '188 patent in violation of 35

1 U.S.C. § 271, and is still doing so by making, selling, and/or offering for sale, one or more  
2 satellite communications products manufactured, designed and/or sold by Paradise, including  
3 Paradise's PD25 series modems, and will continue to do so unless enjoined by this Court.

4 9. Upon information and belief, Paradise had actual knowledge of the '188 patent  
5 prior to engaging in its infringing activity. Paradise's infringement of the '188 patent is willful  
6 and deliberate.

7 10. Comtech has been and continues to be damaged by the infringement.

8 11. Comtech has and continues to incur irreparable harm that can only be fully  
9 redressed by injunctive relief pursuant to 35 U.S.C. § 283.

10 12. Comtech is entitled to treble damages, attorneys fees and costs pursuant to 35  
11 U.S.C. §§ 284 and 285.

12 PRAYER FOR RELIEF

13 WHEREFORE, Comtech prays for:

14 a. A finding by this Court that Paradise has infringed the '188 patent.

15 b. An injunction under 35 U.S.C. § 283 preliminarily and permanently  
16 enjoining and restraining Paradise, its officers, managers, members, agents, parents, subsidiaries,  
17 principals, successors in interest, and those acting in concert with it from directly or indirectly  
18 infringing, inducing, or contributing to the infringement of the '188 patent.

19 c. An order requiring Paradise to account to Comtech for all the gains,  
20 profits and advantages realized from its infringement of the '188 patent.

21 d. An award to Comtech of damages adequate to compensate for the  
22 infringement of Paradise, including lost profits of Comtech, but in no event less than a  
23 reasonable royalty under 35 U.S.C. §284.

24 e. An award of treble damages for the willful infringement of the '188 patent  
25 pursuant to 35 U.S.C. § 284.

26 f. An award of attorney fees, costs, and expenses incurred in connection with

1 this action pursuant to 35 U.S.C. § 285.

2 g. An award of prejudgment and post-judgment interest.

3 h. Such other and further relief as the Court deems equitable and appropriate.

4 **JURY DEMAND**

5 Plaintiff hereby requests a jury trial.

6 **RESPECTFULLY SUBMITTED** this 17<sup>th</sup> day of April, 2009.

7 **SANDERS & PARKS, P.C.**

8 By 

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